

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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EDWIN TOLENTINO

Plaintiff,

-v.-

Civil Action No.  
9:12-cv-1297 (GLS/DEP)

HEATH, Superintendent

Respondent.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

EDWIN TOLENTINO  
*Pro Se*  
234 First St.  
Yonkers, New York 10704

**FOR THE RESPONDENT:**

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of  
New York  
The Capitol  
Albany, New York 12224

MICHAEL G. MCCARTIN, ESQ.

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-  
Recommendation by Magistrate Judge David E. Peebles, duly filed July 19,

2013. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

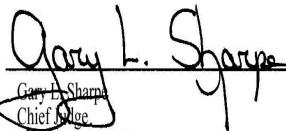
ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed July 19, 2013 (Dkt. No. 19) is ACCEPTED in its entirety for the reasons state therein; and it is further

ORDERED, that the defendant's motion for sanctions (Dkt. No. 16) is GRANTED, and plaintiff's complaint in this action is DISMISSED in its entirety; and it is further

ORDERED, that the Clerk of the Court is to mail copies of the Order to the parties in accordance with the court's local rules.

IT IS SO ORDERED.

Dated: August 16, 2013  
Albany, New York

  
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Gary L. Sharpe  
Chief Judge  
U.S. District Court